



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE OCTOBER 17, 2018 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 17, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office
Mr. Andrew LeFevre, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections

Members Absent:

Chief Lawrence Hall, Buckeye Police Department
Mr. Richard Wooten, Public Member

Staff in Attendance:

Jack G. Lane, Executive Director
Matt Giordano, Deputy Director
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Marie Dryer, Program Administrator
Steve Jacobs, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Cynthia Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Seth Hargraves

John Tellier

Mark Brachtl

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Officer Medina to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Assistant Attorney General John Tellier will provide legal advice to the Board on four final action cases - #18-048 Manuel Espinoza; #15-160 Gonzalo P. Mata Jr., #17-089 Ronnie L. Crow and #18-044 Sean H. Cruse.
- For the record, there are four Board members absent today; Chief Larry Hall, Mr. Richard Wooten and two Board member vacancies (public member and jail administrator).
- Due to SB 1498, which changed the peer membership on the Board, Sergeants Leo Aparicio and Chris Andreacola are no longer eligible to sit on the Board. The two new members must have the rank of officer and deputy. Officer Matthew Medina from the Prescott Police Department and Deputy Christopher Pittmann from the Maricopa County Sheriff's Office are the new Board members.
- Chief Byron Gwaltney from the Pima County Sheriff's Department was promoted to Chief Deputy and is no longer the jail administrator; he is no longer eligible to sit on the Board. This leaves another vacancy on the Board.
- Plaques were presented to Sergeant Leo Aparicio, Sergeant Chris Andreacola and Chief Byron Gwaltney for their years of service on the Board; all three did an exemplary job and will be greatly missed.
- A 35-year pin was presented to Administrative Assistant Cheryl Holliday.
- A plaque was presented to Executive Director Jack Lane; he is retiring at the end of the month. After a thirty-five year career with the Department of Public Safety and a five year career with the Arizona Peace Officer Standards and Training Board, he has more than earned this retirement and will be missed tremendously.

C. Executive Director's Report

Jack G. Lane, Executive Director

- Met with the new OSPB budget analyst last month to explain our budget needs.
- Will be attending the West Valley Chief's Meeting tomorrow along with Deputy Director Matt Giordano.

D. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda. The motion was seconded by Chief Rodbell and passed unanimously.

1. Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, request the Board accept their request to permanently relinquish their Arizona peace officer certification:

John C. Farrier	17-066	Yavapai County Sheriff’s Office
Darren S. Spindler	18-124	Maricopa County Sheriff’s Office
Brett O. Barber	17-133	Tucson Police Department
Scott H. Jacobs	18-115	Fredonia Marshal’s Office

E. Review, Discussion and Possible Action on a Petition from the Buckeye Police Department for a Restricted Peace Officer Certification for Lieutenant-Legal Advisor Michael Saltz

Assistant Attorney General Seth Hargraves addressed the Board regarding the Buckeye Police Department petition for the Board to grant a restricted peace officer certification for Lieutenant-Legal Advisor Michael Saltz; based upon temporary limitations. The restricted certification would be lifted once the Buckeye Police Department notified the Board that Lt. Saltz met all requirements necessary for full authority certification.

Sheriff Dannels made a motion to grant a restricted peace officer certification to Lieutenant-Legal Advisor Michael Saltz. This certification would restrict Lt. Saltz from being assigned any duty likely to result in the need to apply physical force, and further, that the need is so remote as to be high unlikely, and is authorized only until Lt. Saltz has met all requirements necessary for full authority while employed with the Buckeye Police Department. The motion was seconded by Chief Rodbell and passed unanimously.

F. Final Action Cases:

1. 18-048 – Manuel Espinoza – Pima County Sheriff’s Department

The Board considered comments from Assistant Attorney General Seth Hargraves. Manuel Espinoza was not present. Sheriff Dannels made a motion to deny the Motion for Rehearing/Reconsideration. The motion was seconded by Director Ryan and passed unanimously.

2. #15-160 – Gonzalo P. Mata Jr. – Kearny Police Department

The Board received independent legal advice from Assistant Attorney General John Tellier.

The Board considered comments from Assistant Attorney General Seth Hargraves and Gonzalo P. Mata Jr. The Board asked Mr. Tellier whether it still had jurisdiction due to the fact that Mr. Mata’s peace officer certification had lapsed last month. Mr. Tellier advised the Board that it no longer had jurisdiction due to his certification having lapsed. The Board closed the case since it no longer had jurisdiction.

3. #17-089 – Ronnie L. Crow – San Carlos Tribal Police Department

The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case and the terms of the proposed consent agreement. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for an 18-month suspension of Mr. Crow’s peace officer certification. The suspension shall be

in effect from May 16, 2017 through November 16, 2018. The motion was seconded by Chief Rodbell and passed unanimously.

4. #18-044 – Sean H. Cruse – Gilbert Police Department

The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case and the terms of the proposed consent agreement, and from Steven Serbalik, attorney for Sean Cruse. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a 3-year suspension of Mr. Cruse's peace officer certification. The suspension shall be in effect from December 19, 2017 through December 20, 2020; at which time his peace officer certification shall lapse. The motion was seconded by Sheriff Dannels and passed by a vote of 8-1; with one nay vote recorded for Mr. Ahler (AAG).

G. New Charging Cases:

1. #17-151 – Justin T. Corvelo – Mesa Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Corvelo's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.

2. #18-100 – Francisco R. Mendez – Goodyear Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Mendez's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.

3. #17-121 – Todd E. Pascarella – Mesa Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. Pascarella's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

4. #18-102 – Ryan K. Fisher – Lake Havasu City Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Director Ryan made a motion to ***Initiate Proceedings*** against Mr. Pascarella's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.

5. #18-116 – Daniel F. Irvin – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Irvin's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

6. #18-104 – Craig A. Scott – Phoenix Police Department
Chief Rodbell recused himself from this case. The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. Scott's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
7. #18-098 – Zechariah Stone – Sierra Vista Police Department
Sheriff Dannels recused himself from this case. The Board considered comments from Compliance Specialist Mike Orose, who provided a brief overview of the case. Director Ryan made a motion to ***Initiate Proceedings*** against Mr. Stone's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
8. #18-107 – Luis A. Acedo – Navajo Division of Public Safety
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Chief Rodbell made a motion to ***Initiate Proceedings*** against Mr. Acedo's peace officer certification. The motion was seconded by Mr. LeFevre and passed unanimously.
9. #18-012 – Frederick D. Bitsoi – Navajo Division of Public Safety
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Bitsoi's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
10. #18-081 – Dean F. Hadley – Apache County Sheriff's Office
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Colonel Milstead made a motion to ***Initiate Proceedings*** against Mr. Hadley's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
11. #18-094 – James P. McCall – Navajo Division of Public Safety
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Sheriff Dannels made a motion to ***Initiate Proceedings*** against Mr. McCall's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

H. Future Agenda Items

There are no items to add.

I. Adjournment

The meeting was adjourned at 11:00 a.m.